

April XX, 2019

The Honorable Mitch McConnell
Senate Majority Leader
317 Russell Senate Office Building
Washington, DC 20510

The Honorable Charles Schumer
Senate Minority Leader
322 Hart Senate Office Building
Washington, DC 20510

Dear Leader McConnell and Leader Schumer:

We, the undersigned members of the House of Representatives committed to the conservation and preservation of our nation's natural resources and wildlife, urge you to oppose the nomination of David Bernhardt to serve as the U.S. Secretary of the Interior.

The Department of the Interior ("Department") is tasked with the protection and management of our public lands, waters, wildlife, and other resources. It is critical that the Secretary of the Interior execute those duties faithfully, and demonstrate a commitment to preserving our nation's natural resources for the enjoyment and use of all Americans. Unfortunately, Mr. Bernhardt has a lengthy record of advancing corporate interests at the expense of the environment. That record raises serious concerns about his ability to effectively and impartially lead the Department.

Prior to his work in the Department, Mr. Bernhardt was an influential corporate lobbyist with extensive ties to fossil fuel interests. Mr. Bernhardt lobbied for some of the nation's most powerful conventional energy companies, pushing Congress to open federal lands and waters to potentially devastating mining projects and oil and gas exploration and drilling.¹ During his time at the law firm, he represented a mining and extraction company seeking permits for copper mining within Arizona's Coronado National Forest – a project that will likely increase air pollution and contaminate surface and groundwater for nearby communities.² Mr. Bernhardt also strongly advocated for policies to weaken – or outright eliminate – important environmental safeguards, including proposals to remove protections within the Endangered Species Act, as well as policies to delay new air pollution limits on coal-fired power plants.³ *The Washington Post* recently reported that since Mr. Bernhardt's arrival to the Department in 2017, business for his former firm has quadrupled to nearly five million dollars from two dozen clients.⁴

Concerns about Mr. Bernhardt's conflicts of interest and policy priorities have only heightened since he re-joined the Department. In both his position as Deputy Secretary of the Interior, as well as in his current capacity as Acting Secretary, Mr. Bernhardt has been instrumental in advancing President Trump's pro-polluter agenda. Mr. Bernhardt is the chief architect of the administration's efforts to expand onshore and offshore oil and gas drilling.⁵ Despite robust opposition from coastal communities throughout the United States, at his direction the Department is charging forward with a new Five-Year Plan for offshore oil and gas development which would open the entirety of America's coastlines to drilling – a move that could have devastating consequences for coastal communities should another accident occur. In fact, during the 2019 government shutdown, Mr. Bernhardt brought back workers to approve more than 70 offshore drilling permits, the vast majority of which benefited companies with clear ties to a former client of Mr. Bernhardt.⁶ Government databases also indicate that the Bureau of Land Management took steps during the shutdown to expedite onshore drilling operations, including approving 15 new leases for oil and gas development on public lands, as well as accepting 260 applications for drilling permits and 162 nominations of parcels to be leased for oil and gas development.⁷ To further expand the President's pro-polluter agenda, Mr. Bernhardt is also actively working to weaken or eliminate environmental and safety rules for onshore and offshore oil and gas drilling, including efforts to remove barriers for drilling by decimating the Endangered Species Act.⁸ This proposal, if finalized, would make it easier to strip away protections for at-risk wildlife, and would make it more difficult to list new species for protection.⁹ These actions are a betrayal of the Department's mission and an abdication of the duties and responsibilities of the position as Secretary of the Interior.

Under Mr. Bernhardt's leadership, the Department has also taken unprecedented steps to reduce protections for public lands, and the wildlife that inhabit those areas, for the benefit of fossil fuel companies. Recently, Mr. Bernhardt took steps to reduce protections for millions of acres of protected habitat for the endangered sage grouse, a move that opened up more land for oil and gas development than any other policy enacted by this administration to-date.¹⁰ Mr. Bernhardt also supports the Trump Administration's devastating annual budget proposals – the most recent of which would zero out the

Land and Water Conservation Fund, a critical program with strong bipartisan support for the protection of public lands and waters, as well as the conservation of habitat for threatened and endangered species.¹¹

Critical to the advancement of the president's pro-polluter agenda have been Mr. Bernhardt's efforts to reduce transparency and public input. Under his leadership, the Department has taken numerous steps to make it more difficult for the public to engage on decisions impacting the nation's public lands and waters. Similar to the actions of his predecessor, Mr. Bernhardt conceals damning details from the version of his calendar he chooses to release, including meetings with representatives of the fossil fuel industry. These actions prevent oversight of his many potential conflicts of interest.¹² The Department has taken other concerning steps under his tenure as Acting Secretary, including shortening the public comment periods for fossil fuel leases,¹³ as well as proposing changes to the processing of Freedom of Information Act requests,¹⁴ a clear attempt to reduce federal oversight that would make it more difficult for the public to scrutinize government records. He has become known for avoiding a paper trail of any kind for some of his major decisions, a habit which prevented the Office of the Inspector General from being able to determine whether he broke the law by transferring some of the Department's most accomplished employees away from their posts where they had been doing important work on issues like climate change.¹⁵ Rather than increasing transparency and accountability within the Department, Mr. Bernhardt has taken steps that make it more difficult for the public, Congress, and independent investigators to understand the actions and steps taken by the Department that impact our public lands, waterways, and wildlife.

Mr. Bernhardt's conflicts of interest and established record of advancing policies that harm the environment and wildlife, and of doing so in ways that reduce both transparency and accountability, should disqualify him from the position of Secretary of the Interior. Accordingly, we urge you to reject his nomination.

Sincerely,

A. Donald McEachin
Member of Congress

¹ https://www.biologicaldiversity.org/programs/public_land/pdfs/NGOLtrBernhardt_5_17_17signatories.pdf

² https://www.nytimes.com/2012/03/22/business/energy-environment/a-clash-over-mining-and-water.html?pagewanted=all&_r=0

³ https://www.biologicaldiversity.org/programs/public_land/pdfs/NGOLtrBernhardt_5_17_17signatories.pdf

⁴ https://www.washingtonpost.com/climate-environment/2019/04/03/firm-that-once-employed-trumps-pick-run-interior-is-making-millions-lobbying-it/?utm_term=.03b8a25baec8

⁵ <https://www.nytimes.com/2019/03/28/climate/david-bernhardt-interior-secretary-senate.html>

⁶ Ibid

⁷ <https://medium.com/westwise/government-shutdown-oil-and-gas-permitting-tracker-69f25dfa4dc0>

⁸ <https://www.nytimes.com/2018/07/22/climate/endangered-species-act-trump-administration.html?module=inline>

⁹ Ibid

¹⁰ <https://www.nytimes.com/2019/03/28/climate/david-bernhardt-interior-secretary-senate.html>

¹¹ <https://www.lcv.org/article/re-oppose-david-bernhardt-secretary-interior/>

¹² <https://www.cnn.com/2019/03/08/politics/david-bernhardt-calendar-democrats>

¹³ <https://www.lcv.org/article/re-oppose-david-bernhardt-secretary-interior/>

¹⁴ <https://naturalresources.house.gov/imo/media/doc/Grijalva%20Cummings%20Cox%20Letter%20to%20Bernhardt%20on%20FOIA%20Implementation%20Procedures%20March%2013%202019.pdf>

¹⁵ <https://www.doioig.gov/reports/reassignment-senior-executives-us-department-interior>